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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

1 SAN FRANCISCO TECHNOLOGY, INC.,  
2  
3 Plaintiff,  
4  
5  
6

No. CV10-00966 JF PVT  
ORDER APPROVING  
**JOINT STIPULATION TO SEVER  
DEFENDANT BAJER DESIGN &  
MARKETING, INC.**

Complaint Filed: March 5, 2010

1 THE GLAD PRODUCTS COMPANY,  
2 BAJER DESIGN & MARKETING INC.,  
3 BAYER CORPORATION, BRIGHT  
4 IMAGE CORPORATION, CHURCH &  
5 DWIGHT CO. INC., COLGATE-  
6 PALMOLIVE COMPANY, COMBE  
7 INCORPORATED, THE DIAL  
8 CORPORATION, EXERGEN  
9 CORPORATION, GLAXOSMITHKLINE  
10 LLC, HI-TECH PHARMACAL CO. INC.,  
11 JOHNSON PRODUCTS COMPANY  
12 INC., MAYBELLINE LLC, MCNEIL-PPC  
13 INC., MEDTECH PRODUCTS INC.,  
14 PLAYTEX PRODUCTS INC., RECKITT  
15 BENCKISER INC., ROCHE  
16 DIAGNOSTICS CORPORATION,  
17 SOFTSHEEN-CARSON LLC, SUN  
18 PRODUCTS CORPORATION,  
19 SUNSTAR AMERICAS INC.

## Defendants.

1           WHEREAS, Plaintiff San Francisco Technology Inc. ("SF Tech") filed its  
 2 Complaint (Docket No. 1) on March 5, 2010 (the "Complaint") alleging that numerous  
 3 defendants have falsely marked articles in violation of 35 U.S.C. § 292;

4           WHEREAS, Defendant Bajer Design & Marketing, Inc. ("Bajer") previously filed a  
 5 Motion To Dismiss For Failure To State A Claim (the "Motion To Dismiss");

6           WHEREAS, on May 28, 2010, this Court entered a stipulation staying the hearing  
 7 on Bajer's Motion To Dismiss and all proceedings as to Bajer and certain other  
 8 defendants until the Federal Circuit entered a decision in *Stauffer v. Brooks Bros.*,  
 9 Appeal Nos. 2009-1428, 2009-1430, 2009-1453 ("Stauffer") (D.I. 189) (the "Stipulated  
 10 Stay");

11          WHEREAS, this Court's Order Re Pending Motions on July 19, 2010 (Docket No.  
 12 315) ordered that "this action is hereby severed as to each and every separate  
 13 defendant" (at 21:16–18), but did not instruct the Clerk to open a new case number as to  
 14 Bajer (the "July Order");

15          WHEREAS, the Federal Circuit entered a decision in *Stauffer* on August 31, 2010,  
 16 and, accordingly on October 14, 2010, this Court issued an Order lifting "the stay of  
 17 litigation imposed by" the July Order, in, among others, Case No. 5:10-cv-00966 *San  
 18 Francisco Technology Inc. v. Bajer Design & Marketing, Inc.* (D.I. 319) ("October Order");

19          WHEREAS, at the November 5, 2010 Case Management Conferences involving  
 20 Plaintiff and other defendants from the Original Case, this Court ruled from the bench  
 21 that all responsive motions in all of Plaintiff's cases still pending from the Original Case  
 22 should be heard on Thursday, January 20, 2011 at 1:30 p.m., and that the Local Rules'  
 23 normal 35-day briefing schedule shall apply;

24          THEREFORE, for the avoidance of doubt, the Parties, by and through their  
 25 respective counsel of record, hereby stipulate and agree as follows:

26          1.       The Complaint against Bajer will be formally severed into a separate  
 27 action, and will be assigned a new case number for the matter *San Francisco  
 28 Technology Inc. v. Bajer Design & Marketing, Inc.*

2. The October Order lifts the Stipulated Stay as to Bajer.
  3. Bajer's responsive pleadings are due no later than December 1, 2010.

Dated: November 22, 2010

**THE HONORABLE JEREMY FOGEY**  
United States District Court Judge

DATED: November 11, 2010

Respectfully submitted,

/s/ Daniel H. Fingerman (with permission)  
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Counsel for Defendant Bajer Design & Marketing, Inc.

1                   Certificate of Service

2                   The undersigned certifies that on November 11, 2010, the foregoing document  
3 was filed with the Clerk of the U.S. District Court for the Northern District of California,  
4 using the court's electronic filing system (ECF), in compliance with Civil L.R. 5-4 and  
5 General Order 45. The ECF system serves a "Notice of Electronic Filing" to all parties  
6 and counsel who have appeared in this action, who have consented under Civil L.R. 5-5  
7 and General Order 45 to accept that Notice as service of this document.

8 Date: November 11, 2010

  
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Yvonne M. Pete

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